

## MICHIGAN ELECTION LAW (EXCERPT)

### Act 116 of 1954

#### CHAPTER I DEFINITIONS

##### 168.1 Short title; Michigan election law.

Sec. 1. This act shall be known and may be cited as the “Michigan election law”.

**History:** 1954, Act 116, Eff. June 1, 1955.

**Compiler's note:** The former Michigan election law, consisting of MCL 145.1 to 199.1 and deriving from Act 351 of 1925, was repealed by Act 116 of 1954.

**Popular name:** Election Code

##### 168.2 Definitions; A to I.

Sec. 2. As used in this act:

- (a) “Absent voter” is defined in section 758.
- (b) “Ballot container” is defined in section 14a.
- (c) “Business day” or “secular day” means a day that is not a Saturday, Sunday, or legal holiday.
- (d) “Clearly observable boundaries” is defined in section 654a.
- (e) “Election” means an election or primary election at which the electors of this state or of a subdivision of this state choose or nominate by ballot an individual for public office or decide a ballot question lawfully submitted to them.
- (f) “Election precinct” is defined in section 654.
- (g) “Fall” state and county conventions and “spring” state and county conventions are assigned meanings in section 596.
- (h) “General election” or “general November election” means the election held on the November regular election date in an even numbered year.
- (i) “Immediate family” means an individual's father, mother, son, daughter, brother, sister, and spouse and a relative of any degree residing in the same household as that individual.

**History:** 1954, Act 116, Eff. June 1, 1955;—Am. 1968, Act 152, Eff. July 1, 1968;—Am. 1999, Act 216, Imd. Eff. Dec. 28, 1999;—Am. 2002, Act 91, Eff. Apr. 9, 2002;—Am. 2002, Act 163, Imd. Eff. Apr. 9, 2002;—Am. 2003, Act 302, Eff. Jan. 1, 2005.

**Constitutionality:** Legislative attempt in this section to place an interpretation having the effect of law upon the words “civil appointment”, as used in Const 1963, art 4, § 9, is beyond the legislative power. *Richardson v Secretary of State*, 381 Mich 304; 160 NW2d 883 (1968).

**Popular name:** Election Code

##### 168.3 Definitions; L to R.

Sec. 3. As used in this act:

- (a) “Locked and sealed” is defined in section 14.
- (b) “Major political party” is defined in section 16.
- (c) “Metal seal” or “seal” is defined in section 14a.
- (d) “Name that was formally changed” means a name changed by a proceeding under chapter XI of the probate code of 1939, 1939 PA 288, MCL 711.1 to 711.3, or former 1915 PA 314, or through a similar, statutorily sanctioned procedure under the law of another state or country.
- (e) “Odd year general election” means the election held on the November regular election date in an odd numbered year.
- (f) “Odd year primary election” means the election held on the August regular election date in an odd numbered year.
- (g) “Primary” or “primary election” is defined in section 7.
- (h) “Qualified elector” is defined in section 10.
- (i) “Qualified voter file” is defined in section 509m.
- (j) “Regular election” means an election held on a regular election date to elect an individual to, or nominate an individual for, elective office in the regular course of the terms of that elective office.
- (k) “Regular election date” means 1 of the dates established as a regular election date in section 641.
- (l) “Residence” is defined in section 11.

**History:** 1954, Act 116, Eff. June 1, 1955;—Am. 2003, Act 302, Eff. Jan. 1, 2005.

**Popular name:** Election Code

##### 168.4 Definitions; S to V.

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Sec. 4. As used in this act:

(a) "School board" means the governing body of a school district, including the board of trustees of a community college.

(b) "School board member" means an individual holding the office of school board member under the revised school code, 1976 PA 451, MCL 380.1 to 380.1852, or the office of board of trustees member under the community college act of 1966, 1966 PA 331, MCL 389.1 to 389.195. School board member includes a school board member of an intermediate school district if that intermediate school district has adopted sections 615 to 617 of the revised school code, 1976 PA 451, MCL 380.615 to 380.617.

(c) "School district" means a school district, a local act school district, or an intermediate school district, as those terms are defined in the revised school code, 1976 PA 451, MCL 380.1 to 380.1852, or a community college district under the community college act of 1966, 1966 PA 331, MCL 389.1 to 389.195.

(d) "School district election coordinating committee" means 1 of the following:

(i) For a school district whose entire territory lies within a single city or township, a committee composed of the secretary of the school board or his or her designee, the city or township election commission, and the school district election coordinator.

(ii) For a school district that has territory in more than 1 city or township, a committee composed of the secretary of the school board or his or her designee, the school district election coordinator, and the clerk of each city or township in which school district territory is located.

(e) "School district election coordinator" means 1 of the following:

(i) For a school district whose entire territory lies within a single city or township, the city or township clerk.

(ii) For a school district that has territory in more than 1 city or township, the county clerk of the county in which the largest number of registered school district electors reside.

(f) "September primary election" means the primary election, or for a village that holds its regular election for a village office in September, the regular election, held on the first Tuesday after the second Monday in September in an odd year.

(g) "Special election" means an election to elect an individual to, or nominate an individual for, a partial term in office or to submit a ballot question to the electors.

(h) "Special primary" means a primary called by competent authority for the nomination of candidates to be voted for at a special election.

(i) "Uniform voting system" means the voting system that is used at all elections in every election precinct throughout the state.

(j) "Village" is defined in section 9.

**History:** 1954, Act 116, Eff. June 1, 1955;—Am. 1963, 2nd Ex. Sess., Act 3, Imd. Eff. Dec. 27, 1963;—Am. 2003, Act 302, Eff. Jan. 1, 2005.

**Popular name:** Election Code

## **168.5, 168.6 Repealed. 2003, Act 302, Eff. Jan. 1, 2005.**

**Compiler's note:** The repealed sections pertained to definitions of general election and special election.

**Popular name:** Election Code

## **168.7 Primary or primary election; definition.**

Sec. 7. The term "primary" or "primary election", as used in this act, shall mean a primary election held for the purpose of deciding by ballot who shall be the nominees for the offices named in this act, or for the election by ballot of delegates to political conventions.

**History:** 1954, Act 116, Eff. June 1, 1955.

**Popular name:** Election Code

## **168.8 Repealed. 2003, Act 302, Eff. Jan. 1, 2005.**

**Compiler's note:** The repealed section pertained to definition of special primary.

**Popular name:** Election Code

## **168.9 Village; definition.**

Sec. 9. The term "village", as used in this act, shall mean an incorporated village. Except where the contrary is clearly indicated, the provisions of this act shall apply to the holding of any general, special or primary election in a village.

**History:** 1954, Act 116, Eff. June 1, 1955.

**Popular name:** Election Code

### **168.9a Repealed. 2003, Act 302, Eff. Jan. 1, 2005.**

**Compiler's note:** The repealed section pertained to definition of qualified voter file.

**Popular name:** Election Code

### **168.10 Qualified elector; definition.**

Sec. 10. The term “qualified elector”, as used in this act, shall be construed to mean any person who possesses the qualifications of an elector as prescribed in section 1 of article 2 of the state constitution and who has resided in the city or township 30 days.

**History:** 1954, Act 116, Eff. June 1, 1955;—Am. 1963, 2nd Ex. Sess., Act 3, Imd. Eff. Dec. 27, 1963.

**Popular name:** Election Code

### **168.11 “Residence” defined.**

Sec. 11. (1) “Residence”, as used in this act, for registration and voting purposes means that place at which a person habitually sleeps, keeps his or her personal effects and has a regular place of lodging. If a person has more than 1 residence, or if a wife has a residence separate from that of the husband, that place at which the person resides the greater part of the time shall be his or her official residence for the purposes of this act. This section shall not be construed to affect existing judicial interpretation of the term residence.

(2) An elector shall not be deemed to have gained or lost a residence by reason of being employed in the service of the United States or of this state, while engaged in the navigation of the waters of this state or of the United States or of the high seas, while a student at an institution of learning, while kept at any state facility or hospital at public expense, or while confined in a jail or prison. Honorably discharged members of the armed forces of the United States or of this state and who reside in the veterans' facility established by this state may acquire a residence where the facility is located. The residence of a person who is a patient receiving treatment at a hospital or other facility pursuant to Act No. 258 of the Public Acts of 1974, as amended, being sections 330.1001 to 330.2106 of the Michigan Compiled Laws, is the village, city, or township where the person resided immediately before admission to the hospital or other facility.

(3) A member of the armed forces of the United States shall not be deemed a resident of this state in consequence of being stationed in a military or naval place within the state.

**History:** 1954, Act 116, Eff. June 1, 1955;—Am. 1963, 2nd Ex. Sess., Act 3, Imd. Eff. Dec. 27, 1963;—Am. 1977, Act 120, Imd. Eff. Oct. 19, 1977.

**Constitutionality:** This section, providing that no elector shall be deemed to have gained a residence while a student at any institution of learning, violates Const 1963, art 1, § 17 and US Const, amend XIV, § 1. *Wilkins v Ann Arbor City Clerk*, 385 Mich 670; 189 NW2d 423 (1971).

**Popular name:** Election Code

### **168.12 Repealed. 2003, Act 302, Eff. Jan. 1, 2005.**

**Compiler's note:** The repealed section pertained to definition of family.

**Popular name:** Election Code

### **168.13 Time limits; extension due to holiday, exception.**

Sec. 13. Notwithstanding any other provision of the law to the contrary, anything required by this act to be done by a day certain, except the final day for applying for an absentee ballot, if that day falls on a Saturday, Sunday or legal holiday, may be done within the same time limits on the next secular day.

**History:** Add. 1967, Act 57, Eff. Nov. 2, 1967.

**Popular name:** Election Code

### **168.14 Locked and sealed; definition.**

Sec. 14. The term “locked and sealed”, or terms of similar import, when used in this act to refer to locking and sealing of ballot boxes means sealed with a numbered flat metal seal furnished by the election commission and do not mean that a padlock is required.

**History:** Add. 1969, Act 127, Eff. Mar. 20, 1970.

**Popular name:** Election Code

### **168.14a “Ballot container” and “metal seal” or “seal” defined.**

Sec. 14a. As used in this act:

(a) “Ballot container” means a container that is used for transporting and storing voted ballots, as described and approved under section 24j.

(b) “Metal seal” or “seal” means a seal of high tensile strength that is approved by the secretary of state

under section 36.

**History:** Add. 1992, Act 8, Imd. Eff. Mar. 10, 1992;—Am. 1995, Act 261, Eff. Mar. 28, 1996;—Am. 2000, Act 207, Imd. Eff. June 27, 2000.

**Popular name:** Election Code

#### **168.15 Nominating petition signatures; determination of number.**

Sec. 15. Whenever the number of signatures required on a nominating petition is based on a percentage of the vote for a party's candidate for secretary of state at the last preceding election and that party did not have a candidate for secretary of state at the last preceding election, the vote of the party's principal candidate at the last preceding election shall be used in lieu of the vote for secretary of state.

**History:** Add. 1970, Act 28, Imd. Eff. June 2, 1970.

**Popular name:** Election Code

#### **168.16 "Major political party" defined.**

Sec. 16. As used in this act, "major political party" means each of the 2 political parties whose candidate for the office of secretary of state received the highest and second highest number of votes at the immediately preceding general election in which a secretary of state was elected.

**History:** Add. 1995, Act 261, Eff. Mar. 28, 1996.

**Popular name:** Election Code

#### **168.18 Definitions.**

Sec. 18. As used in this act:

- (a) "Help America vote act of 2002" means the help America vote act of 2002, 42 USC 15301 to 15545.
- (b) "National voter registration act of 1993" means the national voter registration act of 1993, 42 USC 1973gg to 1973gg-10.
- (c) "Uniformed and overseas citizens absentee voting act" means the uniformed and overseas citizens absentee voting act, 42 USC 1973ff to 1973ff-6.
- (d) "Voting accessibility for the elderly and handicapped act" means the voting accessibility for the elderly and handicapped act, 42 USC 1973ee to 1973ee-6.
- (e) "Voting rights act of 1965" means the voting rights act of 1965, 42 USC 1973 to 1973aa-6.

**History:** Add. 2004, Act 92, Imd. Eff. Apr. 26, 2004.

**Popular name:** Election Code